

## Message Text

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44

ORIGIN PM-04

INFO OCT-01 EA-07 ISO-00 L-03 CIAE-00 INR-07 NSAE-00 PA-01

PRS-01 USIA-06 /030 R

DRAFTED BY PM/ISO:MCOOLEY:DME

APPROVED BY PM/ISO:GCHURCHILL

EA/PRCM:MVAN BRISCEN

ASBCA:JUDGE ROWE(SUBS)

----- 023140

R 171505Z AUG 76

FM SECSTATE WASHDC

TO AMCONSUL HONG KONG

INFO SECDEF WASH DC

DIA WASH DC

AAFES DALLAS TEXAS

CINCPACREPPHIL

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E.O. 11652: N/A

TAGS: ACLM, HK, US

SUBJECT: ARMED SERVICES BOARD OF CONTRACT APPEALS CASE  
NO. 18156

1. DEPT UNDERSTANDS CONCERNS OUTLINED REFTEL AND DISCUSSED THEM IN PHONE CONVERSATION WITH JUDGE AUSTIN ROWE OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS (ASBCA), WHO WILL CONDUCT HEARINGS IN HONG KONG.

2. JUDGE ROWE REPORTED THAT THE HEARING, WHICH IS PROVIDED FOR IN LEE'S CONTRACT, HAS BEEN POSTPONED SEVERAL TIMES BUT IS NOW TENTATIVELY SCHEDULED FOR SEPTEMBER. THE VENUE OF SUCH HEARINGS IS USUALLY BASED ON CONSIDERATION OF CONVENIENCE FOR THE CLAIMANT, REFLECTING THE CLAIMANT'S NORMALLY RECOGNIZED PREDOMINANT INTEREST IN THE CASE. IN  
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THIS INSTANCE, ALTHOUGH JAMES S. LEE AND CO. IS

TECHNICALLY INCORPORATED IN THE US, THE COMPANY EXISTS HERE ON PAPER ONLY. IN FACT LEE, HIS RECORDS, EMPLOYEES AND WITNESSES ARE ALL IN HONG KONG.

3. ROWE PLANS TO CONDUCT THE HEARINGS IN A RENTED GOVERNMENT BUILDING OR PRIVATE CONFERENCE ROOM AND ESTIMATES THAT IT WILL LAST THREE TO FOUR WEEKS. THE FINAL DECISION WILL NOT BE RENDERED IN HONG KONG, BUT WILL BE WRITTEN IN

WASHINGTON AFTER REVIEW OF THE HEARING TRANSCRIPTS.

4. JUDGE ROWE DESCRIBES THIS CASE AS TYPICAL OF CONTRACT DISPUTES. HE CHARACTERIZED MOST SUCH HEARINGS AS DRY, LOW PROFILE, ROUTINE EVENTS. ALTHOUGH HEARINGS ARE OPEN TO THE PUBLIC, HE CLAIMS THAT IN FIFTEEN YEARS HE HAS NEVER HAD QUOTE ANYONE FROM THE OUTSIDE UNQUOTE ATTEND HIS HEARINGS AND DOES NOT REMEMBER A CASE GENERATING ANY RPT ANY PUBLICITY.

5. SIMILAR HEARINGS HAVE ALREADY BEEN HELD IN KOREA AND GERMANY THIS YEAR AND IN COUNTRIES SUCH AS THAILAND AND VIETNAM PREVIOUSLY. THIS MAY, HOWEVER, BE THE FIRST CASE TO BE HEARD IN HONG KONG.

KISSINGER

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## Message Attributes

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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**To:** HONG KONG  
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